CITY COUNCIL, CITY OF ROCKFORD JOURNAL OF PROCEEDINGS APRIL 30, 2012 COUNCIL CONVENED AT 6:35 P.M.

1. The invocation was given by Pastor Perry Bennett, Macedonia Baptist Church /Rockford Police Chaplain and the Pledge of Allegiance was led by Council Page Yesenia Centeno.

2. Roll Call:

Mayor Lawrence Morrissey

Aldermen: Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson, Timm, Beach,

Elyea, Beck, McNeely, Robertson -12-

Absent: Durkee (late), Jacobson -2-

3. Alderman Mark moved to accept the Journal of Proceedings of April 30, 2012, seconded by Alderman Wasco. MOTION PREVAILED (Ald. Durkee, Jacobson absent).

PUBLIC PARTICIPATION

4. Carol West urged council members to support RFP #312-HS-039 (Homeless Management Information System).

Alderman Durkee joined the meeting at 6:37 pm.

- 5. Stephen Haight also encouraged council members to support RFP #312-HS-039 (Homeless Management Information System).
- 6. Louisett Ness voiced her frustration with the current Homeless Management Information System and urged council members to support RFP #312-HS-039 (Homeless Management Information System).
- 7. Prophet Yusef recited scripture.
- 8. Allan Barsema urged council members to support the current Homeless Management Information System and vote against the RFP #312-HS-039.

PETITIONS AND COMMUNICATIONS

- 9. Alderman Thompson-Kelly submitted a request for a stop sign control at the intersection of Soper and Ashland Avenue. Referred to Public Works/Traffic Commission.
- 10. Alderman Thompson-Kelly submitted a request to repair potholes in the alley at 1121 Preston Street. Referred to Public Works Department.
- 11. Alderman Johnson submitted six (6) requests for service. Referred to Community Development/Code Enforcement, Public Works Department and Legal Department.

- 12. Alderman Hervey submitted a request from Gregg Wilson, on conjunction with Rockford School District Transportation Department School Bus Roadeo, requesting permission for street closures of Christina Street between 18th Avenue and Blackhawk Park Avenue on May 19, 2012 from 7:00 am to 2:00 pm. Alderman Hervey moved to grant the Prayer of the Petitioner, seconded by Alderman McNeely. MOTION PREVAILED (Ald. Jacobson absent).
- 13. Alderman Hervey submitted four (4) requests for service. Referred to Community Development/Code Enforcement and Police Department.
- 14. Alderman Durkee submitted a request from Randy Larson, in conjunction with Brookview School "On The Road 2 Reading Rocks" Parade requesting permission for approximately 400 students, teachers and parents to have a parade on the specified streets on May 4, 2012 from 9:30 am to 10:30 am. Alderman Durkee moved to grant the Prayer of the Petitioner, seconded by Alderman Mark. MOTION PREVAILED (Ald. Jacobson absent).
- 15. Alderman Beach submitted a Memorandum from Julia Valdez, Deputy City Administrator/ Director of Human Resources, regarding upcoming events:
 - 1. Cookout For a Cure 5/12/12
 - 2. Walmart Fundraiser For Children's Miracle Network 5/11-13/12 & 5/25-27/12
 - 3. Mexican Baseball Festibal 5/27/12
 - 4. Klehm Garden Fair 6/1-3/12

Referred to Code and Regulation Committee.

- 16. Alderman Beach submitted the Rockford Traffic Commission Agenda for the meeting to be held on May 9, 2012. Referred to Traffic Commission.
- 17. Alderman Beach submitted a Memorandum from Todd Cagnoni, Deputy Director of Community and Economic Development, regarding the Final Plat of Spring Meadow #2. Referred to Code and Regulation Committee.
- 18. Alderman Beach submitted a Memorandum from Todd Cagnoni, Deputy Director of Community and Economic Development, regarding the Final Plat of Downtown Rockford. Referred to Code and Regulation Committee.
- 19. Alderman Beach submitted a Memorandum from Todd Cagnoni, Deputy Director of Community and Economic Development, regarding the Final Plat of Riverside Marketplace. Referred to Code and Regulation Committee.
- 20. Alderman Beach submitted a Memorandum from Marcy Leach, Engineering Operations Manager, regarding the amended Sanitary Sewer Easement to Rock River Water Reclamation District. Referred to Code and Regulation Committee.
- 21. Alderman Beach submitted a request from Cyndie Hall, Neighborhood Network, and Christopher Greenwood, City of Rockford, in conjunction with Community Vegetable Gardens for locations at the following locations:

- 1. Alpine Ridge, 316 Wood Road (Ward 10)
- Centennial Community Gardens, 304 S. 1st Street (Ward 3) 2.
- 3. Churchill's Grove/Lawn Place, lot at 995 N. Main Street (Ward 3)
- 4. Garden of Glory, lot at 725 N. Winnebago Street
- 5. Jeremiah's Garden, Second Congregational Church property, southeast corner of Park Avenue and Court Street (Ward 3)
- 6. LLSSI, Blackhawk/Buddy House, lot at 1417 Meadow Court (Ward 5)
- Rock River Valley Pantry, 421 S. Rockton (Ward 13) Valkommen Plaza, 310 7th Street (Ward 11) 7.
- 8.
- Zion Development, 509 5th Street (Ward 11) 9.
- Zion Development, lot north of northwest corner of 5th St. (Ward 11) 10.
- Zion Development, 1131 4th Avenue (Ward 11) 11.

Alderman Beach moved to grant the Prayer of the Petitioner, seconded by Alderman Mark. MOTION PREVAILED (Ald. Jacobson absent).

22. Alderman Beck submitted a Memorandum from Matthew Vitner, City Engineer regarding an Emergency P.O. for the Concourse Parking Deck Structural Analysis. The Public Works Department retained Walker Restoration Consultants to perform emergency structural analysis of the deck. "The contract is for a not-to-exceed cost of \$26,550." Funding for this project is from the Parking Maintenance Budget. Placed on file.

NEW COMMITTEE REPORTS

- 23. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a Sports Bar and Grill and an outdoor seating area/beer garden in the name of Sali Limani d/b/a Boomers Sports Bar and Grill in a C-2, Limited Commercial Zoning District located at 908 West Riverside Boulevard. Approval is subject to the following conditions:
 - 1. Meeting all applicable liquor codes.
 - 2. Meeting all applicable building and fire codes.
 - 3. That there shall be no cover charge to enter other than pay per view events.
 - 4. Hours are limited to Sunday through Saturday 11:00 am to 2:00 am.
 - 5. That the premises have one (1) security staff for every fifty (50) customers.
 - 6. That the outdoor seating area to close by 10:00 pm during the weekdays and midnight on weekends.
 - 7. The plan for the outdoor seating area must be reviewed by Staff and must meet the required code prior to issuance of a building permit which will require modification of the design.
 - 8. That the property not function as a night club with a dance floor/stage area over 150 square feet.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

- 24. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of packaged liquor in conjunction with a liquor store in the name of **Neel Patel d/b/a Cork, Keg and Spirits** in a C-2, Limited Commercial Zoning District located at 1603 North Alpine Road. Approval is subject to the following conditions:
 - 1. Meeting all applicable liquor codes.
 - 2. Meeting all building and fire codes.
 - 3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.
 - 4. Hours of operation should be limited to Monday through Thursday 10:00 am to 10:00 pm; Friday through Saturday 10:00 am to midnight; and Sunday 10:00 am to 9:00 pm.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

- 25. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a restaurant and nightclub with a beer garden and outdoor seating area in the name of **Dionisios Trakas d/b/a Downtown Rockford Restaurant, LLC** in a C-4, Urban Mixed-Use Zoning District at 205 West State Street. Approval is subject to the following conditions:
 - 1. Meeting all building and fire codes.
 - 2. Meeting all City of Rockford liquor codes.
 - 3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
 - 4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
 - 5. That the facility shall include a full service restaurant.
 - 6. The hours of operation shall be in accordance with the Liquor Code.
 - 7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of one (1) per sixty (60) patrons while operating as a nightclub.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

- 26. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of beer and wine by the drink in conjunction with a restaurant in the name of **Rosa Laurencio d/b/a Tortacos Soto** in a C-4, Urban Mixed-Use Zoning District at 1138 Broadway. Approval is subject to the following conditions:
 - 1. Meeting all applicable building and fire codes.
 - Meeting all City of Rockford liquor codes.
 - 3. The sale of alcoholic beverages shall be in conjunction with a restaurant.
 - 4. The sale of alcohol shall be limited to the interior to the restaurant that was submitted in Exhibit E.

- 5. The hours and days of operation for the restaurant will be from 8:00 am to 9:00 pm Monday through Sunday.
- 6. The amount of liquor sales as a percentage of gross annual sales of the business shall not exceed 25%.
- 7. The restaurant shall not operate as a nightclub.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

- 27. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a restaurant and nightclub in a C-4, Urban Mixed-Use Zoning District at 203-207 West State Street. Approval is subject to the following conditions:
 - 1. Meeting all applicable building and fire codes.
 - 2. Compliance with City of Rockford liquor codes.
 - 3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
 - 4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
 - 5. That the facility shall include a full service restaurant.
 - 6. The hours of operation shall be in accordance with the liquor code.
 - 7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of one (1) per sixty (60) patrons as a nightclub.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

- 28. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to increase the number of allowable wall signage from two (2) to three (3) in a C-3, Commercial General Zoning District at 6270 East State Street. Approval is subject to the following conditions:
 - 1. Meeting all building and fire codes.
 - 2. Submittal of building permit for Staff review and approval.
 - 3. The wall sign must be on the east elevation and must be in accordance with Exhibits E and F.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

2012-147CR

29. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a restaurant and an outdoor seating area in the name of **Frank Calvanese d/b/a Deli Italia** in a C-4, Urban Mixed-Use Zoning District located at 505 and 507 East State Street. Approval is subject to the following conditions:

- 1. Meeting all applicable building and fire codes.
- 2. Compliance with City of Rockford liquor codes.
- 3. The sale of alcoholic beverages shall be in conjunction with a restaurant and outdoor seating area.
- 4. The hours of operation will need to be in accordance with the liquor codes.
- 5. The outdoor seating area will need to be surrounded by a fence to be approved with a Fence Permit.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

Alderman Beach moved to suspend Rule 11, seconded by Alderman Johnson. MOTION PREVAILED (Ald. Jacobson absent). The Committee Report was placed on Passage. MOTION PREVAILED (Ald. Jacobson absent).

- 30. Alderman Beck read a Finance and Personnel Committee Report recommending the award of three contracts for Asbestos Testing & Abatement Services to, Anderson & Egan for commercial property asbestos testing, one to Public Health, and one to Ironwood Environmental for residential property asbestos testing. The funding source is CDBG Funds, Departmental Operating Budgets, & Capital Improvement Funds. LAID OVER.
- 31. Alderman Beck read a Finance and Personnel Committee Report recommending the award for Engineering Agreement: City-Wide Sidewalk Construction Inspection Services be made to Rosario S. Tarara Land Surveying, Inc./Carroll Engineering & Associates, Inc. to perform construction inspection services to a total not-to-exceed cost of \$15,000. The funding for this project will come from Sales Tax funds. LAID OVER.
- 32. Alderman Beck read a Finance and Personnel Committee Report recommending approval of an Intergovernmental Agreement for South Main Street Water Main Railroad Pipe Crossing License with the Illinois Railway, LLC for an annual fee of \$1,000.00. Funding for this agreement will come from Sales Tax. LAID OVER.

2012-148CR

33. Alderman Beck read a Finance and Personnel Committee Report recommending the award for Sidewalk Curb & Gutter/ADA – Package A-2012 be made to the low bidder, TCI Concrete, of Rockford, Illinois for their total bid of \$38,282.74. The funding source is Sales Tax.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Beach. MOTION PREVAILED (Ald. Jacobson absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

2012-149CR

34. Alderman Beck read a Finance and Personnel Committee Report recommending the award for Sidewalk Curb & Gutter/ADA Package B be made to the low bidder TCI Concrete, of Rockford, Illinois for their total bid of \$31,736.47. The funding source is Sales Tax.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Beach. MOTION PREVAILED (Ald. Jacobson absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

2012-150CR

35. Alderman Beck read a Finance and Personnel Committee Report recommending the award for City-Wide Street Repair Group 2 be made to the low bidder, William Charles Construction, of Loves Park, Illinois for their total bid of \$1,240,008.50. The funding source is Sales Tax.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Beach. MOTION PREVAILED (Ald. Jacobson absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

2012-151CR

36. Alderman Beck read a Finance and Personnel Committee Report recommending the award for Day Avenue Reconstruction – Phase 3 be made to the low bidder, N-TRAK Group, of Roscoe, Illinois for their total bid of \$220,691.52. The funding source is Sales Tax.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Beach. MOTION PREVAILED (Ald. Jacobson absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

37. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of April 30, 2012 in the amount of \$2,878,579.37. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

38. Alderman Elyea read a Planning and Development Committee Report recommending approval of the Amended Development Agreement with Downtown Rockford Restaurant, LLC to exclude the CDBG Grant of \$50,000 for the establishment of a new restaurant to be located at 205 West State Street. LAID OVER

- 39. Alderman Elyea read a Planning and Development Committee Report recommending approval of the First Amendment to the Redevelopment Agreement between the City of Rockford and Ingenium Testing Services, LLC; Ingenium Aerospace, LLC; and ITS Partners, LLC for the property located at 3761 South Central Avenue dated December 26, 2007. LAID OVER
- 40. Alderman Elyea read a Planning and Development Committee Report recommending approval of the Development Agreement with Craig Sockwell & James Douglas, dba On the Rocks for a grant in the amount of \$50,000 to develop a new bar and grill at 3457 Merchandise Drive. The source of the grant is the Community Development Block Grant (CDBG) Program. The Legal Director shall prepare the appropriate ordinance. LAID OVER.
- 41. Alderman Elyea read a Planning and Development Committee Report recommending that the In-Kind Services Request between the City of Rockford and Rockford Park District be approved. The City will provide an "in kind" contribution of approximately \$2,165 for permit fee waiver for the Nicholas Conservatory's dock permit. In Kind Services Request. LAID OVER

OFFICERS REPORTS

- 42. Mayor Morrissey reported Alderman Jacobson is absent tonight attending the funeral of former Alderman Pat L. Scott who passed away on Wednesday, April 25th. He was a dedicated family man, active community member for many years and will be sorely missed by all. He offered condolences to the family of Pat Scott.
- 43. Mayor Morrissey mentioned a memorandum has been distributed to the Aldermen / Department Heads which provides his remarks to the Rock Valley College Board of Trustees on April 24, 2012.
- 44. Mayor Morrissey mentioned a copy of the application for the Mayor' Youth Advisory Council (MYAC) has been distributed for participation in MAYC for 2012-2013. He advised this past weekend was the annual youth summit and encouraged both public and private school students to apply.
- 45. Mayor Morrissey also mentioned a memorandum has been distributed to the Aldermen / Department Heads which provides in some detail his rationale for supporting the current Homeless Management Information System.

- 46. Alderman Thompson-Kelly reported on April 27, 2012 she attended the African American Purple Tea with Friends Event at Giovanni's. Several organizations teamed up to promote awareness and educate women about signs and symptoms of cancer.
- 47. Alderman Thompson-Kelly thanked Charlie Schaefer, Community Development Department, for organizing "Operation Facelift" 2012. This event will bring hundreds of volunteers together to mow, paint, landscape and cleanup in the 200-300 block of Oakley Avenue.
- 48. Alderman Thompson-Kelly referred to discussion at last week's meeting concerning funding for Whitman Street Bridge study and asked where in the budget the additional expenditure is coming from.

PETITIONS AND COMMUNICATIONS

49. Alderman Mark submitted a request from Marcy Leach, in conjunction with relocation of Festival Zone Vendor to Water Street between E. State Street and Market Street and to extend moratorium to include the vacant lot at the southeast corner of W. State Street and S. Church Street until construction on the lot is complete and Main Street from Elm to Mulberry Street. Alderman Mark moved to grant the Prayer of the Petitioner, seconded by Alderman Timm. MOTION PREVAILED (Ald. Jacobson absent).

OFFICERS REPORTS

- 50. Alderman Robertson requested a moment of silence for the passing of former Alderman Pat Scott. A moment of silence was observed in his memory.
- 51. Alderman McNeely offered her support for RFP #312-HS-039 (Homeless Management Information System).
- 52. Alderman Hervey announced the Rockford Area Mexican Business Association is sponsoring a Cinco de Mayo event at Davis Park this coming Saturday and Sunday and also reported attending the "Celebrating Our Heritage Music" event this past weekend at Cliffbreakers sponsored by the Ethnic Heritage Museum.

UNFINISHED BUSINESS

2012-152CR

53. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending the award for Summer Food Program – 2012 be made to Preferred Meal System, of Berkeley, Illinois for their total estimated bid of \$334,826.80. The funding source is USDA through Illinois State Board of Education. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

2012-153CR

54. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of a Sole Source Contract for Annual Maintenance for Compressors to Delta Industries, of Downers Grove, Illinois in the amount of \$14,691.70. The funding source is Water Division Operating Budget. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

2012-154CR

55. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of a Sole Source Contract for Water Treatment Equipment & Supplies to Smith Ecological Systems, of Rockford, Illinois for an estimated total of \$30,000. The funding source is Water Division Operating Funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

2012-155CR

56. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending that an award for Engineering Agreement: IL Rte. 2 Multi-Use Path Design be made to McClure Engineering to perform design engineering for a total not-to-exceed cost of \$11,393.48. The funding for this project will come from Sales Tax funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Navs: -0-

Absent: Jacobson-1-

57. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending award for Homeless Management Information System (HMIS) – 2012 be made to Social Solutions Global, Inc., of Baltimore MD for a three-year contract for a total of \$93,077.00. The funding source is HUD Funds. MOTION FAILED by a Roll Call vote of:

Ayes: Wasco, Thompson-Kelly, Johnson, Beach, McNeely, Robertson -6-

Nays: Durkee, Curran, Mark, Hervey, Timm, Elyea, Beck -7-

Absent: Jacobson-1-

Alderman McNeely exited the meeting at 7:36 pm.

2012-157CR

58. Alderman Beach moved the adoption of a Code and Regulation Committee Report recommending the approval for a proposed ordinance prohibiting the use of groundwater for the area surrounding 1706 Rural Street pursuant to an Agreement between the Highway Authority and Richard Warner for remedial action for the property. The Legal Director is hereby instructed to prepare the necessary ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, Robertson -12-

Nays: -0-

Absent: Jacobson, McNeely -2-

2012-158CR

59. Alderman Beach moved the adoption of a Code and Regulation Committee Report recommending that the Legal Director be instructed to draw an Ordinance repealing the No Parking Anytime restriction on the north side of Fulton Avenue from Rockton Avenue to 150 feet east of Rockton Avenue, thus restoring unrestricted parking. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, Robertson -12-

Nays: -0-

Absent: Jacobson, McNeely -2-

2012-159CR

60. Alderman Beach moved the adoption of a Code and Regulation Committee Report recommending that the Legal Director be instructed to draw on Ordinance repealing the No Parking Weekdays from 1 pm – 4 pm restriction on the north side of Fulton Avenue from 150 feet west of Winnebago Street to 250 feet west of Winnebago Street, thus restoring unrestricted parking. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, Robertson -12-

Nays: -0-

Absent: Jacobson, McNeely -2-

2012-160CR

61. Alderman Beach moved the adoption of a Code and Regulation Committee Report recommending that the Legal Director be instructed to draw an Ordinance for a "Commercial Loading" parking zone from 8:00 am p 5:00 pm, Monday through Friday on the north side of Mulberry Street from Church Street to 95 feet west of Church Street, thus repealing the existing "24 hour" commercial loading zone on the north side of Mulberry Street from Church Street to 95 feet west of Church Street. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, Robertson -12-

Nays: -0-

Absent: Jacobson, McNeely -2-

2012-161CR

- 62. Alderman Beach moved the adoption of a Code and Regulation Committee Report recommending that "No Action" be taken on the following items:
 - 1. Request from the 13th Ward from City Staff to establish a Mid-Block Pedestrian Crossing on West State Street approximately 125 feet west of Independence Avenue.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, Robertson -12-

Nays: -0-

Absent: Jacobson, McNeely -2-

2012-057-0

63. Alderman Beach moved the adoption of an Ordinance for the sale of City owned property located at 1918 Elm Street at a minimum bid of \$890.00 with preference to the adjoining property owner. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, Robertson -12-

Nays: -0-

Absent: Jacobson, McNeely -2-

2012-058-0

- 64. Alderman Beach moved the adoption of an Ordinance amending Article 63 of the Zoning Ordinance of the City of Rockford for a special use permit for a pawn shop in a C-2, Limited Commercial Zoning District at <u>5505 East State Street</u>. Approval is based on the findings of fact.
 - 1. Meeting all applicable Building and Fire Codes.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Mark, Wasco, Hervey, Thompson-Kelly, Johnson, Timm,

Beach, Beck, Robertson -10-

Nays: Curran, Elyea -2-Absent: Jacobson, McNeely -2-

2012-162CR

65. Alderman Elyea moved the adoption of a Planning and Development Committee Report recommending approval of the attached amendment be made to the City's Housing and Community Development 2010-2014 Consolidated Plan in connection with the Department of Housing and Urban Development's Emergency Solutions Grant Program.

The Legal Director shall prepare the appropriate ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Thompson-Kelly, Johnson, Timm,

Beach, Beck, Robertson -10-

Nays: Hervey, Elyea -2-Absent: Jacobson, McNeely -2-

2012-059-0

66. Alderman Elyea moved the adoption of an Ordinance approving the Development Agreement with Pilgrim's Promise Community Development Corporation regarding construction of a home on 1119 Island Avenue. Source of the funding is the HOME Investment Partnerships program funds and the Water Hook-Up Program funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, Robertson -12-

Nays: -0-

Absent: Jacobson, McNeely -2-

Alderman McNeely re-joined the meeting at 7:39 pm.

MOTIONS AND RESOLUTIONS

2012-052R

- 67. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorization the Central Services Manager to take bids for the following:
 - A. Bid: Demolition of 502 S. Main St., funding source: USEPA Brownfield RLF Grant: \$700,000 Federal, \$140,000 Local Match, DCEO River Edge: \$500,000 State, IEPA River Edge: \$350,000 State, \$105,000 Local.

MOTION PREVAILED (Ald. Jacobson absent).

2012-053R

68. Alderman Beach, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution, for Rock River Department Corporation, requesting a special event permit and liquor permit for consumption of liquor outdoors on public property ("SP" permit) for the Rockford City Market, for the downtown area every Friday beginning on June 1, 2012 ending October 12, 2012. June 1, 2012 through August 31, 2012 the time will be from 3:00 pm – 8:00 pm. September 7, 2012 through October 12, 2012 the time will be from 3:00 pm – 7:00 pm. MOTION PREVAILED (Ald. McNeely voted no; Ald. Jacobson absent).

2012-054R

69. Alderman Beach, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution, for Rockford Fire Department, requesting a special event permit for the Rockford Fire/911 3K Run/Walk to be held on June 2, 2012 beginning at 8:00 am. MOTION PREVAILED (Ald. McNeely voted no; Ald. Jacobson absent).

NEW BUSINESS

2012-060-0

70. Alderman Beach introduced and read an Ordinance amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the liquor ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to approve the following amendments for the following establishment:

Frank Calvanese d/b/a Deli Italia for modification of the sale of liquor by the drink in conjunction with a restaurant to include an outdoor seating area in a C-4, Urban Mixed-Use Zoning District at 505 and 507 East State Street. Approval is subject to the following conditions:

- 1. Meeting all applicable building and fire codes.
- 2. Compliance with City of Rockford liquor codes.
- 3. The sale of alcoholic beverages shall be in conjunction with a restaurant and outdoor seating area.
- 4. The hours of operation will need to be in accordance with the liquor codes.
- 5. The outdoor seating area will need to be surrounded by a fence to be approved with a Fence Permit.

Approval is based on the Findings of Fact.

Alderman Beach moved to suspend Rule 11, seconded by Alderman Beck. MOTION PREVAILED (Ald. Jacobson absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

2012-061-0

71. Alderman Elyea introduced and read an Ordinance approving the Enterprise Zone (EZ)
Amendment to Expand boundaries to include 854 Simpson Road – West Side Partnership –
John Deere Dealership Project.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Jacobson absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Thompson-Kelly, Johnson,

Timm, Beach, Elyea, Beck, McNeely, Robertson -13-

Nays: -0-

Absent: Jacobson-1-

72. Upon motion duly made and seconded, the meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Diane Reed City Council Clerk

[The meeting was taped in its entirety, and the tape is on file in the Legal Department]

CITY COUNCIL, CITY OF ROCKFORD, ILLINOIS City Council Chambers, 2ND floor City Hall 425 E. State Street, Rockford May 7, 2012 6:00 P.M. AGENDA

The following represents, in general, the chronological order of proceedings at the City Council meeting:

- Call to Order by the Mayor
- Invocation and Pledge of Allegiance
- Roll Call and determination of quorum
- Acceptance of Journal of Proceedings
- Public Hearing
- Public Participation
- Petitions and Communications
- New Committee Reports (Reports of Standing Committees Code and Regulation, Finance and Personnel, Planning and Development - and other select committees)

I. NEW COMMITTEE REPORTS TO BE READ IN MAY 7, 2012

A. CODE AND REGULATIONS

- 1. Beach Final Plat of Jefferson/South Third Street
- 2. Beach Final Plat 5 of Riverside Marketplace
- 3. Beach Final Plat of Spring Meadows #2
- 4. Beach Regulation of the Sale of Animals at Flea Markets
- 5. Beach Special Use Permit for off-premise sign in a C-3 Commercial General District at 7510 East State Street
- 6. Beach Governance of Electrical Aggregation (Municipal Electric Aggregation)
- 7. Beach Amended Sanitary Sewer Easement to Rock River Water Reclamation District
- 8. Beach Closed Session for Purposes of Pending or Threatened Litigation Cross v. City of Rockford

UNFINISHED BUSINESS

II. COMMITTEE REPORTS LAID OVER APRIL 30, 2012

- 1. Beach Code and Regulation SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a Sports Bar and Grill and an outdoor seating area/beer garden in the name of Sali Limani d/b/a Boomers Sports Bar and Grill in a C-2, Limited Commercial Zoning District located at 908 West Riverside Boulevard. Approval is subject to the following conditions:
 - 1. Meeting all applicable liquor codes.
 - 2. Meeting all applicable building and fire codes.
 - 3. That there shall be no cover charge to enter other than pay per view events.
 - 4. Hours are limited to Sunday through Saturday 11:00 am to 2:00 am.
 - 5. That the premises have one (1) security staff for every fifty (50) customers.
 - 6. That the outdoor seating area to close by 10:00 pm during the weekdays and midnight on weekends.
 - 7. The plan for the outdoor seating area must be reviewed by Staff and must meet the required code prior to issuance of a building permit which will require modification of the design.
 - 8. That the property not function as a night club with a dance floor/stage area over 150 square feet.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

- 2. Beach Code and Regulation SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of packaged liquor in conjunction with a liquor store in the name of **Neel Patel d/b/a Cork, Keg and Spirits** in a C-2, Limited Commercial Zoning District located at 1603 North Alpine Road. Approval is subject to the following conditions:
 - 1. Meeting all applicable liquor codes.
 - 2. Meeting all building and fire codes.
 - 3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.
 - 4. Hours of operation should be limited to Monday through Thursday 10:00 am to 10:00 pm; Friday through Saturday 10:00 am to midnight; and Sunday 10:00 am to 9:00 pm.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

3. Beach - Code and Regulation - SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a restaurant and nightclub with a beer garden and outdoor seating area in the name of **Dionisios Trakas d/b/a Downtown Rockford Restaurant, LLC** in a C-4, Urban Mixed-Use Zoning District at 205 West State Street. Approval is subject to the following conditions:

- Meeting all building and fire codes.
- 2. Meeting all City of Rockford liquor codes.
- 3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
- 4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
- 5. That the facility shall include a full service restaurant.
- 6. The hours of operation shall be in accordance with the Liquor Code.
- 7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of one (1) per sixty (60) patrons while operating as a nightclub.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

- 4. Beach Code and Regulation SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of beer and wine by the drink in conjunction with a restaurant in the name of **Rosa Laurencio d/b/a Tortacos Soto** in a C-4, Urban Mixed-Use Zoning District at <u>1138 Broadway</u>. Approval is subject to the following conditions:
 - 1. Meeting all applicable building and fire codes.
 - 2. Meeting all City of Rockford liquor codes.
 - 3. The sale of alcoholic beverages shall be in conjunction with a restaurant.
 - 4. The sale of alcohol shall be limited to the interior to the restaurant that was submitted in Exhibit E.
 - 5. The hours and days of operation for the restaurant will be from 8:00 am to 9:00 pm Monday through Sunday.
 - 6. The amount of liquor sales as a percentage of gross annual sales of the business shall not exceed 25%.
 - 7. The restaurant shall not operate as a nightclub.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

- 5. Beach Code and Regulation SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a restaurant and nightclub in a C-4, Urban Mixed-Use Zoning District at 203-207 West State Street. Approval is subject to the following conditions:
 - 1. Meeting all applicable building and fire codes.
 - 2. Compliance with City of Rockford liquor codes.
 - 3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
 - 4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
 - 5. That the facility shall include a full service restaurant.
 - 6. The hours of operation shall be in accordance with the liquor code.
 - 7. The business shall operate according to the submitted business and security plans

including security being provided at a minimum of one (1) per sixty (60) patrons as a nightclub.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance.

- 6. Beach Code and Regulation SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to increase the number of allowable wall signage from two (2) to three (3) in a C-3, Commercial General Zoning District at 6270 East State Street. Approval is subject to the following conditions:
 - 1. Meeting all building and fire codes.
 - 2. Submittal of building permit for Staff review and approval.
 - 3. The wall sign must be on the east elevation and must be in accordance with Exhibits E and F.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance.

- 7. Beck Finance and Personnel Recommending the award of three contracts for Asbestos Testing & Abatement Services to, Anderson & Egan for commercial property asbestos testing, one to Public Health, and one to Ironwood Environmental for residential property asbestos testing. The funding source is CDBG Funds, Departmental Operating Budgets, & Capital Improvement Funds. LAID OVER.
- 8. Beck Finance and Personnel Recommending the award for Engineering Agreement: City-Wide Sidewalk Construction Inspection Services be made to Rosario S. Tarara Land Surveying, Inc./Carroll Engineering & Associates, Inc. to perform construction inspection services to a total not-to-exceed cost of \$15,000. The funding for this project will come from Sales Tax funds.
- 9. Beck Finance and Personnel Recommending approval of an Intergovernmental Agreement for South Main Street Water Main Railroad Pipe Crossing License with the Illinois Railway, LLC for an annual fee of \$1,000.00. Funding for this agreement will come from Sales Tax.
- 10. Elyea Planning and Development Recommending approval of the Amended Development Agreement with Downtown Rockford Restaurant, LLC to exclude the CDBG Grant of \$50,000 for the establishment of a new restaurant to be located at 205 West State Street.
- 11. Elyea Planning and Development Recommending approval of the First Amendment to the Redevelopment Agreement between the City of Rockford and Ingenium Testing Services, LLC; Ingenium Aerospace, LLC; and ITS Partners, LLC for the property located at 3761 South Central Avenue dated December 26, 2007.
- 12. Elyea Planning and Development Recommending approval of the Development Agreement with Craig Sockwell & James Douglas, dba On the Rocks for a grant in the

- amount of \$50,000 to develop a new bar and grill at 3457 Merchandise Drive. The source of the grant is the Community Development Block Grant (CDBG) Program. The Legal Director shall prepare the appropriate ordinance.
- 13. Elyea Planning and Development Recommending that the In-Kind Services Request between the City of Rockford and Rockford Park District be approved. The City will provide an "in kind" contribution of approximately \$2,165 for permit fee waiver for the Nicholas Conservatory's dock permit. In Kind Services Request.
- Motions and Resolutions

III. MISCELLANEOUS/APPOINTMENTS HELD OUT APRIL 30, 2012

1.* Mayor Morrissey - Fire Pension Board, Mr. Chris Black, whose term will expire May 2015. (Pursuant to Rule 18 this appointment is up for passage on May 7, 2012)

IV. MOTIONS AND RESOLUTIONS TO BE READ IN MAY 7, 2012

- 1. Beach Cookout For a Cure 5/12/12
- 2. Beach Walmart Fundraiser For Children's Miracle Network 5/11-13/12 & 5/25-27/12
- 3. Beach Mexican Baseball Festibal 5/27/12
- 4. Beach Klehm Garden Fair 6/1-3/12
- **V. NEW BUSINESS** (note: Ordinances may be read in under New Business and Rule 11 suspended and final vote taken. Committee Reports would have previously been voted on).
- 1. Beach Amending Chapter 3, Section 3-55 for the issuance of a liquor license to **Dionisios Trakas d/b/a Downtown Rockford Restaurant (District)** for the sale of liquor by the drink in conjunction with a restaurant and nightclub with a beer garden and outdoor seating area in a C-4, Urban Mixed-Use Zoning District located at 205 West State Street.
- 2. Beach Amending Chapter 3, Section 3-55 for the issuance of a liquor license to **Sali Limani d/b/a Boomers Sports Bar and Grill** for the sale of liquor by the drink in conjunction with a Sports Bar and Grill and an outdoor seating area/beer garden in a C-2, Limited Commercial Zoning District located at <u>908 West Riverside Boulevard</u>.
- 3. Beach Amending Article 64 for a Variation to increase the number of allowable wall signage from two (2) to three (3) in a C-3, Commercial General Zoning District at <u>6270</u> <u>East State Street.</u>
- 4. Beach Amending Article 63 for a Special Use Permit for a restaurant and nightclub in a C-4, Urban Mixed-Use Zoning District at <u>203-207 West State Street.</u>

- 5. Beach Prohibiting the use of groundwater for the area surrounding 1706 Rural Street pursuant to an Agreement between the Highway Authority and Richard Warner for remedial action for the property.
- 6. Beach Traffic Repealing the No Parking Anytime restriction on the north side of Fulton Avenue from Rockton Avenue to 150 feet east of Rockton Avenue, thus restoring unrestricted parking.
- 7. Beach Traffic Repealing the No Parking Weekdays from 1 pm 4 pm restriction on the north side of Fulton Avenue from 150 feet west of Winnebago Street to 250 feet west of Winnebago Street, thus restoring unrestricted parking.
- 8. Beach Traffic "Commercial Loading" parking zone from 8:00 am p 5:00 pm, Monday through Friday on the north side of Mulberry Street from Church Street to 95 feet west of Church Street, thus repealing the existing "24 hour" commercial loading zone on the north side of Mulberry Street from Church Street to 95 feet west of Church Street.
- 9. Jacobson Redistricting Map
- * same action taken before
- Adjournment

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POSSIBLE ADDITIONAL ITEMS:

The following items appear on the City Council Standing Committee Agendas as noted. Items may receive a vote at committee and come before the first City Council meeting held after the committee meeting. Rule 11 can be suspended and final vote taken on said items at the City Council meeting (no rule suspension is necessary to take a vote on vouchers).

CODE AND REGULATION COMMITTEE Monday, May 7, 2012, 5:15 p.m. Conference Room A, City Hall 2nd floor (north room) AGENDA

- 1. C & R 12-73 Final Plat of Jefferson/South Third Street
- 2. C & R 12-74 Final Plat 5 of Riverside Marketplace
- 3. C & R 12-75 Final Plat of Spring Meadows #2
- 4. C & R 12-76 Regulation of the Sale of Animals at Flea Markets

- 5. C & R 12-57 ZBA#011-12 Special Use Permit for off-premise sign in a C-3 Commercial General District at <u>7510 East State</u> Street
- 6. C & R 11-189 Governance of Electrical Aggregation (Municipal Electric Aggregation)
- 7. C & R 12-77 Amended Sanitary Sewer Easement to Rock River Water Reclamation District
- 7. C & R 12-78 Special Events: 1)Cookout For a Cure 5/12/12

2)Walmart Fundraiser For Children's Miracle Network 5/11th, 12th, 13th

& 5/25, 26, & 27

3)Mexican Baseball Festibal 5/27/12 4)Klehm Garden Fair 6/1, 6/2, & 6/3

8. C & R 12-79 Closed Session for Purposes of Pending or Threatened Litigation – Cross v. City of Rockford

FINANCE AND PERSONNEL COMMITTEE Monday, May 7, 2012, 5:15 p.m. Conference Room B, City Hall 2nd floor (south room) AGENDA

- 1. Purchasing and Vouchers
 - A. Award of Bid: Garage Door Services
 - B. Award of Bid: City-Wide Street Repair Group 3 Suspend rules
 - C. Engineering Agreement: Demolition of Well Site 28
 - D. Engineering Agreement: Water System Hydraulic Model Update
 - E. Engineering Agreement: On Call Construction Observation Services
 - F. Engineering Agreement: Materials Testing 2012
 - G. Vouchers

PLANNING AND DEVELOPMENT COMMITTEE Monday, May 7, 2012, _____ p.m. CD Conference Room, City Hall 2nd floor AGENDA

No Meeting Scheduled.

LEGISLATIVE LOBBYING COMMITTEE

Monday, May 7, 2012, ____ p.m.
Conference Room A, City Hall 2nd floor (north room)
AGENDA

No Meeting Scheduled.